

<b>DECLARATION AND POWER OF ATTORNEY, FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR § 1.63)</b>  <input type="checkbox"/> Declaration Submitted with Initial Filing <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing	Case No.:	CGL03/0120US01
	First Named Inventor:	VAN TOOR, N. Hans
	<b>COMPLETE IF KNOWN</b>	
	Application No.:	10/567,727
	Filing Date:	01/31/2006
	Art Unit:	
	Examiner Name:	

As a below named inventor, I hereby declare that my residence, mailing address, and citizenship are as stated below next to my name, and that I believe I am an original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**LOW TRANS-FATTY ACID FAT COMPOSITIONS; LOW-TEMPERATURE  
HYDROGENATION, E.G., OF EDIBLE OILS**

The specification of which

- ☐ is attached hereto;
- ☒ was filed on January 31, 2006, as United States Application No.: 10/567,727
- ☒ is identified as PCT International Application No.: PCT/US2004/024955 filed on 30 July 2004
- ☐ and was amended on                      (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 USC §§ 119(a)-(d)- or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s) or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s) or any PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application No.	Country	Foreign Filing Date (MM/DD/YYYY)	Priority NOT Claimed	Certified Copy Attached	
				YES	NO

I hereby appoint Practitioners at Customer Number 38-550 as my attorneys and/or agents with full powers (including the powers of appointment, substitution, and revocation) to prosecute this application and any division, continuation, continuation-in-part, reexamination, or reissue thereof, and to transact all business in the U.S. Patent and Trademark Office connected therewith.

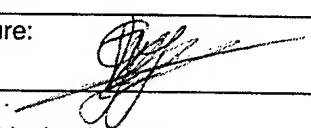
**Customer Number for  
Practitioner of Record:**

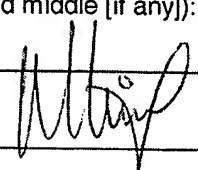
**38550**

Direct all correspondence to ☒ Customer No. 38550

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

<b>NAME OF SOLE OR FIRST INVENTOR:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor.
Given Name (first and middle [if any]): N. Hans		Family Name or Surname: VAN TOOR
Inventor's Signature: 		Date: Feb 9 <sup>th</sup> 2006
Residence: TV Zoetermeer, Netherlands	Country: Netherlands	Citizenship: Netherlands
Mailing Address: Albast 35, 2719 TV Zoetermeer, Netherlands		

<b>NAME OF SECOND INVENTOR:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor.
Given Name (first and middle [if any]): Gijsbertus Johannes		Family Name or Surname: VAN ROSSUM
Inventor's Signature: 		Date: FEB 10 <sup>TH</sup> 2006
Residence: PE Hoogvliet, Netherlands	Country: Netherlands	Citizenship: Netherlands
Mailing Address: Digna Johannaweg 117, 3193 PE Hoogvliet, Netherlands		

<b>NAME OF THIRD INVENTOR:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor.
Given Name (first and middle [if any]): Marco B.		Family Name or Surname: KRUIDENBERG
Inventor's Signature: 		Date: Feb 9, 2006
Residence: SL Oostvoorne, Netherlands	Country: Netherlands	Citizenship: Netherlands
Mailing Address: Voorweg 58, 3233 SL Oostvoorne, Netherlands		

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Docket No.: 334498005US3  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Van Toor et al.

Application No.: 10/567,727

Confirmation No.: 7684

Filed: July 30, 2004

Art Unit: N/A

For: LOW TRANS-FATTY ACID FAT  
COMPOSITIONS; LOW-TEMPERATURE  
HYDROGENATION, E.G., OF EDIBLE OILS

Examiner: Not Yet Assigned

**POWER OF ATTORNEY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Cargill, Incorporated, assignee of the entire right title and interest in the above-identified application by assignment, a copy of which is submitted herewith, hereby appoints the following attorneys and/or agents of the firm of Perkins Coie LLP:

All practitioners at Customer Number 25096.


as its attorneys with full power of substitution to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith.

The assignee certifies that it has reviewed the assignment and to the best of the assignee's knowledge and belief, title is in the assignee.

Please direct all correspondence regarding this application to the following:

PERKINS COIE LLP  
Attn: Paul T. Parker  
P.O. Box 1247  
Seattle, Washington 98111-1247  
Telephone: (206) 359-8000  
Fax: (206) 359-7198

For: Cargill, Incorporated

  
\_\_\_\_\_  
Name: Harry Gwinnett  
Title: Vice President

Dated: 30 October 2006

ASSIGNMENT

In consideration of good and valuable consideration, the receipt of which is hereby acknowledged, to my (our) full satisfaction, I (we),

N. Hans VAN TOOR, Albast 35, 2719 TV Zoetermeer, Netherlands  
Gijsbertus Johannes VAN ROSSUM, Digna Johannaweg 117, 3193 PE Hoogvliet, Netherlands  
Marco B. KRUIDENBERG, Voorweg 58, 3233 SL Oostvoorne, Netherlands

hereby sell and assign to CARGILL, INCORPORATED, a Delaware corporation having its principal place of business at 15407 McGinty Road West, Wayzata, Minnesota 55391-5624, the entire right, title and interest, in the United States and all territories thereof and in all foreign countries, in and to all the inventions ("Inventions") in:

LOW TRANS-FATTY ACID FAT COMPOSITIONS; LOW-TEMPERATURE HYDROGENATION, E.G., OF EDIBLE OILS
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[ ] for which an application for a United States Patent is being filed contemporaneously herewith;  
[X] identified as U.S. Application Serial Number 10/567,727, filed January 31, 2006;  
[X] identified as International Patent Application Serial No. PCT/US2004/024955 and filed on  
30 July 2004

and naming me (us) as inventor(s); and the entire right, title and interest in and to said application and all original and reissue patents granted for any of said Inventions, and all divisions and continuations of said application and patents granted thereon, and all applications for any of said Inventions filed in countries foreign to the United States and patents granted thereon, including the subject matter of any and all claims which may be obtained in all such patents; and the right to apply for and obtain patents in countries foreign to the United States including the right to claim for any foreign application the benefits of any convention including but not limited to the International Convention for the protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purpose including the right to claim priority in accordance with such convention, and any other benefits available through the laws of these foreign countries with respect to patent applications as fully and entirely as I (we) could claim such benefits; and the right to file applications for patents and otherwise to apply for and obtain any patents for said Inventions in its own name in any country.

And I (we) hereby covenant that I (we) have full right to convey the entire interest herein assigned, and that I (we) have not executed and will not execute any agreement in conflict herewith; and I (we) agree that I (we) will communicate to CARGILL, INCORPORATED all facts known to me (us) respecting said Invention whenever requested by it, and will execute all instruments or documents requested by it for the filing and prosecution of applications for Letters Patent of the United States of America and all foreign countries on said Invention, or in connection with litigation regarding said Invention, or for the purpose of protecting title to said Invention or Letters Patent therefore in the United States or foreign countries and will testify in any legal proceedings relating thereto, at the request of CARGILL, INCORPORATED, all without further or other compensation than that above set forth, but otherwise at the cost of CARGILL, INCORPORATED.

And I (we) further covenant and agree that if and when CARGILL, INCORPORATED desires to file a disclaimer relating to said Inventions in the United States or any foreign country, I (we) will, upon its request, sign and deliver all papers requisite for the filing of such disclaimer.

And I (we) authorize and request the Commissioner of Patents and Trademarks of the United States to issue the said Letters Patent to CARGILL, INCORPORATED, (or its designate) as assignee and owner of the said entire interest.


This assignment shall ensure to the benefit of the successors and assigns and authorized affiliates of CARGILL, INCORPORATED.

Inventor: N. Hans VAN TOOR  
Post Office: Albast 35  
2719 TV Zoetermeer  
Netherlands  
Citizenship: Netherlands

Signed: 

Dated: Febr. 9<sup>th</sup>, 2006

In witness whereof, I/we have signed my/our name(s) on the day and year set forth below.

Bram Dijk Feb 10<sup>th</sup>, 2006  
Witness 

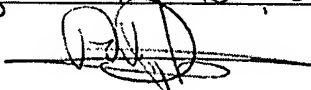
HARTATI SIMKA Feb 10, 2006  
Witness Hartati Simka

Inventor: Gijsbertus Johannes VAN ROSSUM  
Post Office: Digna Johannaweg 117  
3193 PE Hoogvliet  
Netherlands  
Citizenship: Netherlands

Signed: 

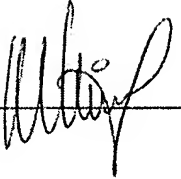
Dated: FEBR 10<sup>TH</sup>, 2006

In witness whereof, I/we have signed my/our name(s) on the day and year set forth below.

Bram Dijk Feb 10<sup>th</sup>, 2006  
Witness 


Hartati Simka  
Witness HARTATI SIMKA  
Febr 10<sup>th</sup>, 2006

Inventor: Marco B. KRUIDENBERG  
Post Office: Voorweg 58  
3233 SL Oostvoorne  
Netherlands  
Citizenship: Netherlands

Signed: 

Dated: Feb 9, 2006

In witness whereof, I/we have signed my/our name(s) on the day and year set forth below.

Bram Dijk Feb 10<sup>th</sup>, 2006  
Witness 

HARTATI SIMKA Hartati Simka  
Witness Feb 10<sup>th</sup>, 2006